

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- November 15, 1971

Appeal No. 10963 Washington Hebrew Congregation, appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and carried unanimously, the following Order of the Board was entered at the meeting of June 13, 1972.

EFFECTIVE DATE OF ORDER -- July 12, 1972

ORDERED:

That the appeal for variance from the side yard requirements of the R-1-B District to permit a one-story side addition to existing structure at the northwest corner of 39th and Macomb Streets, N. W., lot 833, Square 1818, be GRANTED.

FINDINGS OF FACT:

1. The subject property is located in an R-1-B District.
2. The property is improved and is presently used as a church and school.
3. Appellants request a variance from the side yard requirement of the R-1-B District to permit a one-story side addition to the existing structure.
4. A letter from the U. S. Department of the Interior, National Park Service, which states that they do not object to the construction as it is applied for and that the construction does not encroach on Federal parkland, and in their judgment will not adversely affect the values of the parkland.
5. The addition is proposed at the subject location instead of on 39th Street because on the east side is the parking lot and second because of the architectural design.

6. Appellant stated an undue hardship would result if this variance is not granted because they would then have to build the addition on the existing parking lot and this would be unfeasible because of the topographic condition of the land and would not be in the best interests of the existing structure architecturally.

7. No objection was registered at the public hearing as to the granting of this appeal. However, there are two letters in the file in opposition to this appeal.

OPINION:

We are of the opinion that the appellant has proved a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

Further, we hold that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The Board is cognizant that its rules of procedure at the time of the hearing on this matter did not specifically provide for cross-examination but that there was no specific request for an opportunity to cross-examine made or denied. If any person participating in this proceeding believes that he has been prejudiced by the lack of an opportunity to cross-examine, the Board is disposed to entertain a motion to re-open this case to permit cross-examination. Such a motion should be made within fifteen (15) days from the date of this final decision. The motion should identify the witnesses to be cross-examined, as well as that portion of his testimony to be subjected to cross-examination. Specific reference to the transcript of proceedings will be helpful. Copies of the transcript are available for inspection by the public in the Offices of the Zoning Commission, District Building, 14th and E Streets, N.W between 8:15 and 4:45 p.m. The motion should be forwarded to the Board in care of this address.

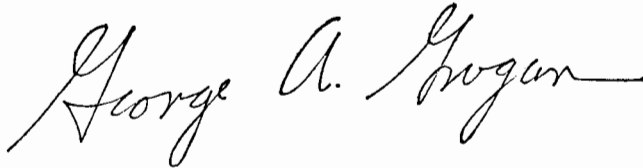
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BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

A handwritten signature in cursive script, reading "George A. Grogan", written in dark ink.

By: _____

GEORGE A. GROGAN
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.